

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

TONY EUGENE GRIMES, # 148 206,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 3:05-CV-1226-WKW
	)	(WO)
KENNETH L. JONES, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

On January 9, 2006, the Magistrate Judge filed a Recommendation (Doc. # 3) in this case, finding that the plaintiff's Petition for Writ of Habeas Corpus (Doc. # 1) is due to be denied. The plaintiff filed an objection on January 17, 2006 (Doc. # 9) and a supplemental objection on January 23, 2006 (Doc. # 13). Additionally, the plaintiff filed an objection to the Magistrate Judge's supervision of this case on January 23, 2006 (Doc. # 12).

The Court has reviewed the plaintiff's petition and the Magistrate Judge's recommendation. The plaintiff objects to the recommendation on the grounds that not all of his claims were addressed; however, the recommendation notes that the plaintiff's challenges to the constitutionality of amendments to Alabama's habitual felony offender laws have been presented to the state courts in a Rule 32 petition that is currently pending. As noted in the recommendation, the plaintiff is required to exhaust all state remedies before this Court may entertain his habeas petition as to these issues. The recommendation finds that these claims are due to be dismissed without prejudice in order to allow the plaintiff to exhaust his claims in state court.

Therefore, after an independent and de novo review of the record, it is the ORDER,

JUDGMENT and DECREE of the court that:

1. The plaintiff's objections (Docs. # 9 & 13) are OVERRULED.
2. The Recommendation of the Magistrate Judge (Doc. # 3) is ADOPTED.
3. The plaintiff's Petition for Writ of Habeas Corpus (Doc. # 1) is DISMISSED without prejudice.
4. The plaintiff's objection to the Magistrate Judge's supervision (Doc. # 12) is OVERRULED.

DONE this the 14<sup>th</sup> day of March, 2006.

/s/ W. Keith Watkins  
UNITED STATES DISTRICT JUDGE